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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,757

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Rich Baranski

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48276

7590

05/12/2006

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EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,757

Applicant(s)

BARANSKI, RICH

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 March 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 July 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This Office Action is in response to applicant's request for reconsideration filed on March 30, 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-10,14-17, and 22 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,976,317 to Collier in view of US Pat No 2,124,970 to Bagley (Bagley '970).

Regarding claim 1, Collier discloses an adjustable door guide latch slot assembly comprising a striker plate (21) having a latch opening (26), and a door guide (see attachment #1 presented in the previous Office Action mailed on January 19, 2005).

The door guide has a channel sized to retain a door therein that includes an inner surface and an opening. The opening of the door guide is larger than the opening of the striker plate.

The striker plate may be adjustably affixed directly to the door guide inner surface so that the striker plate latch opening aligns with the latch of the door.

However, Collier fails to disclose that the door guide is adapted to retain the door such that the door can move slidably along the door guide when the door is retained. Collier discloses that the door guide retain the door, however the door will

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not slide along the door guide because the door used in the device described by Collier is a sliding door, not a rolling door.

Bagley '970 teaches that it is well known in the art to have a door guide (23) adapted to retain a rolling door (4) such that the rolling door can move slidably along the door guide when the door is retained having a similar latch mechanism.

It would have been obvious to one having ordinary skill in the art of door latches at the time the invention was made to use the latch mechanism described by Collier with a door that can slide along the door guide, i.e., a rolling door, as taught by Bagley '970, since the fact that the door being a rolling door instead of a sliding door is considered as a design consideration within the art of door latches since it would not affect the latch mechanism. Further, Bagley '970 teaches a similar latch slot mechanism (23,25 and 56) so as to give support that it would be obvious to make the combination since both devices use a similar latch slot assembly.

As to claims 2 and 14, Collier discloses that the assembly further comprises a recessed area on the door guide inner surface that is large enough so that the striker plate may be placed flat within said recessed area.

As to claims 3 and 15, Collier illustrates that the depth of the recessed area is at least as great as the thickness of the striker plate (see attachment #2 presented in the previous Office Action mailed on January 19, 2005)

As to claims 4-6 and 16, Collier illustrates that the door guide opening has alignment slots (39) for accommodating various positions of placement of the striker plate against the door guide inner surface.

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As to claims 7-10 and 17, Collier discloses that the striker plate has a first set of fastener openings (38) for receiving fasteners to affix the striker plate to the door guide.

As to claim 22, Collier, as modified by Bagley '970, discloses a method of adjust and align a latch slot in a fixed door guide with a slidable door latch.

4. **Claims 11-13 and 18-21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,976,317 to Collier in view of US Pat No 2,124,970 to Bagley (Bagley '970) as applied to claims 1 and 14 (only for claims 11-13 and 18) above, and further in view of US Pat No 5,757,269 to Roth et al (Roth).

Regarding claims 11-13,18 and 19, Collier, as modified by Bagley '970, fails to disclose that the assembly further comprises a security device having a latch port for accepting the door latch whereby the security device is affixed to the adjustable striker plate to accommodate the position of the door latch.

Roth teaches that it is known in the art to have a security device in combination with a latch slot assembly.

It would be obvious to one having ordinary skill in the art at the time the invention was made to have a security device, as taught by Roth, into a device as described by Collier, as modified by Bagley '970, in order to provide verification of the latch bolt being in the proper engaged position, thereby ensuring security to the locking assembly.

As to claim 20, Collier illustrates that the depth of the recessed area is at least as great as the thickness of the striker plate (see attachment #2 presented in the previous Office Action mailed on January 19, 2005)

As to claim 21, Collier illustrates that the door guide opening has alignment slots (39) for accommodating various positions of placement of the striker plate against the door guide inner surface.

Response to Arguments

5. Applicant's arguments filed on March 30, 2006 have been fully considered but they are not persuasive.

The applicant argues that there is no motivation to combine the teachings of Collier and Bagley '970 to achieve the claimed invention (Page 2 Line 23).

As explained before, Collier discloses that the door or window (12) having a latch mechanism (27,28 and 33) at one side will engage a striker plate or keeper (21) so as to retain the door or window in a channel formed at the door guide. This channel has a height equal to the door or window height. Although Collier's invention is directed to a sliding door or a sliding window, sliding between right and left, an ordinary skill of the art could appreciate that the device is capable of being used for a door or window that can slide from top to bottom between the channel at the door guide.

To demonstrate this point, Bagley '970 is only used to show that it is well known in the art to provide a door (3) that slides from top to bottom within a channel at a

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door guide (23) and that the door is locked with respect to a striker plate or keeper (23, 25 and 56) located at the door guide.

Further, the applicant is reminded that a conclusion of obviousness may be made from common knowledge and common sense of the person of ordinary skill without any specific hint or suggestion in a particular reference. At the instant, the structure of the channel described by Collier does not present any inconvenient to be used by a sliding door or window that moves from top to bottom. Therefore, the arguments are not persuasive and the rejection is maintained.

As to applicant's arguments with respect to the rejection of the claims further in view of Ruth (Page 4 Line 13), the argument is not persuasive.

Claims 11-13,18 and 19 requires the use of a security device having a latch port to receive a door latch. Collier discloses that the assembly includes a latch port or opening (26) that receives a latch (27). Roth teaches that it is known in the art to have a security device in combination with a latch slot assembly that will detect a latch into the latch slot. Therefore, the argument is not persuasive and the rejection is maintained.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

CL

Carlos Lugo
Patent Examiner AU 3676
May 5, 2006


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER